

CHRISTOPHER CHIOU
Acting United States Attorney
District of Nevada
Nevada Bar No. 14853

Christopher J. Bella, CSBN 294049
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
160 Spear Street Suite 800
San Francisco, CA 94105
Telephone: (510) 970-4805
Facsimile: (415) 744-0134
Christopher.Bella@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TANICIA DANIELLE WHITELEY,

Plaintiff,

v.

KILOLO KIJAKAZI,
Commissioner of Social Security,¹

Defendant.

Case No.: 3:21-cv-00191-CLB

**UNOPPOSED MOTION FOR
EXTENSION OF TIME
(FIRST REQUEST)**

Defendant, the Commissioner of Social Security (the “Commissioner”), through the undersigned counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and Response to Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the Commissioner respectfully states as follows:

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 1. Primary responsibility for handling this case has been delegated to the Office of the
2 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

3 2. Defendant’s response to Plaintiff’s opening brief is currently due May 11, 2022.
4 Defendant has not previously requested an extension of time for this deadline.

5 3. The Region IX Office currently handles all district and circuit court litigation involving
6 the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

7 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling
8 civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of the
9 attorneys who handle program litigation cases have additional responsibilities, such as litigating in
10 other practice areas described below, acting as Jurisdictional leads, reviewing the work product of
11 junior attorneys, conducting trainings, and participating in national workgroups. In addition, because
12 of attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of
13 cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing
14 caseloads.

15 5. In addition to “program” litigation, the Region IX Office provides a full range of legal
16 services as counsel for the Social Security Administration, in a region that covers four states
17 (including the most populous state in the nation) and three territories. These other workloads include
18 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on
19 wide-ranging topics, including Regional office client requests for advice on program issues, employee
20 conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act
21 and disclosure, and torts. Because of the high volume of program litigation cases, the Region IX
22 Office has had to focus its efforts on processing only other workloads that are subject to statutory,
23 regulatory, and court deadlines.

24 6. The undersigned attorney has nine briefs due in district court cases over the next month,
25 as well as two appellate briefs due to the Ninth Circuit Court of Appeals.

1 7. Due to the volume of the overall workload within the Region IX Office, neither the
2 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete
3 briefing by the current due date of May 11, 2022. Therefore, Defendant seeks an extension of 30 days,
4 until June 10, 2022, to respond to Plaintiff's motion.

5 8. This request is made in good faith and is not intended to delay the proceedings in this
6 matter.

7 9. On May 5, 2022, counsel for Defendant conferred with Plaintiff's counsel, who has no
8 opposition to this motion.

9 WHEREFORE, Defendant requests until June 10, 2022, to respond to Plaintiff's Motion for
10 Reversal and/or Remand.

11
12 Dated: May 6, 2022

Respectfully submitted,

13 CHRISTOPHER CHIOU
14 Acting United States Attorney

15 /s/ Christopher J. Bella
16 CHRISTOPHER J. BELLA
17 Special Assistant United States Attorney

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19 IT IS SO ORDERED:

20 
21 UNITED STATES MAGISTRATE JUDGE

22 DATED: May 6, 2022
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CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME (FIRST REQUEST)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Hal Taylor
haltaylorlawyer@gbis.com
Attorney for Plaintiff

Dated: May 6, 2022

/s/ Christopher J. Bella
CHRISTOPHER J. BELLA
Special Assistant United States Attorney